



May 31, 2002

Marlene R. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Meetings in CC Docket Nos. 96-98 and 98-147

Dear Ms. Dortch:

This letter is to provide notice in the above-captioned docketed proceedings of an *ex parte* meeting on May 30, 2002, by Jonathan Askin and John Windhausen, Jr. of the Association for Local Telecommunications Services, Richard Metzger of Focal Communications, Pat Donovan and Rich Rindler of Swidler, Berlin, and Jon Canis and Jon Heitmann of Kelly, Drye. Participating on behalf of the FCC were the following: Dorothy Attwood, Jeff Carlisle, Christopher Libertelli, Scott Bergmann, Michelle Carey, Brent Olson, Tom Navin, Jeremy Miller, and Robb Tanner.

The parties discussed the potential impact of the two recent Supreme Court and DC Circuit Court decisions (*Verizon v. FCC*; *USTA v. FCC*) on competition and the pending FCC proceedings in the above-referenced dockets. In particular the parties discussed the need for immediate ILEC provisioning of enhanced extended links (EELs) and cessation of ILEC practices designed to thwart EEL provisioning. The parties stressed the fact that the recent Supreme Court decision in *Verizon v. FCC* reinstating 47 CFR 315(c)-(f) compelled ILECs to provision EELs as new combinations. The parties noted the continued ILEC misapplication of commingling restrictions, auditing procedures, and other practices that served only to stymie CLEC EEL access.

The parties also stressed the need for ILECs to continue to provision UNEs, including line shared lines, in the wake of the DC Circuit decision in *USTA v. FCC*. The parties also discussed the need for the FCC to seek *certiorari* and a stay of the DC Circuit decision in *USTA v. FCC* in order to ensure that consumers continue to have a choice of telecom providers and are not immediately cut off from service.

Please include this notice of *ex parte* contact for inclusion in the public record of the above-referenced proceedings. If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,

/s/

Jonathan Askin

FROM THE DESK OF:
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General Counsel
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